

Remarks

The Applicant respectfully requests reconsideration of the present U.S. Patent application as amended herein. Claims 1 and 11 have been cancelled. Claims 20-27 have been cancelled without prejudice. No claims have been added or withdrawn in this response. Thus, claims 1-6 and 11-19 remain pending in the application.

Claim Rejections § 103

Claims 1-6 and 11-27 were rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 6,418,503 issued to Moertl et al. (*Moertl*). Claims 20-27 have been cancelled without prejudice and, thus, the rejection of claims 20-27 is moot. For at least the reasons set forth below, that Applicant submits that claims 1-6 and 11-19 are patentable over *Moertl*.

The Manual of Patent Examining Procedure (“MPEP”), in § 706.02(j), states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Thus, the MPEP and applicable case law require that the Office action establish that a combination of references teach or suggest **all of the claim limitations** of rejected claims to sustain an obviousness rejection under 35 U.S.C. § 103.

As shown below, Applicants respectfully submit that the Office action does not establish a *prima facie* case of obviousness.

Independent claim 1 recites:

A computer chipset comprising:

an identifier module to add a first sequence identifier to each transaction in a first ordered sequence of transactions and to add a second sequence identifier to each transaction in a second ordered sequence of transactions, and to combine the first and second ordered sequences of transactions into a combined ordered sequence of transactions, *wherein the combined ordered sequence includes the sequence identifiers associated with the transactions and further wherein the sequence identifiers indicate independently ordered sequences of transactions*; and

a router to separate the combined ordered sequence of transactions into two ordered queues based on the sequence identifiers associated with the transactions.

(Emphasis added). Independent claim 11 similarly recites, “wherein the third ordered sequence includes the sequence identifiers associated with the transactions and further wherein the sequence identifiers indicate independently ordered sequences of transactions.”

Regarding the sequence identifiers, the Office action directs the Applicant’s attention to FIG. 7, elements 719 and 727 of *Moertl*. The Applicant respectfully notes that these two elements of *Moertl* are directed to checking whether a transaction is posted memory write transaction or a prefetchable-delayed read completion transaction. That is, both elements merely discuss checking for a transaction type.

Amended claims 1 and 11, however, recite “sequence identifiers.” A sequence identifier refers to an identifier that indicates that a transaction is a member of a particular independently ordered *sequence* of transactions. (See, e.g., Specification, page 2, lines 8-15.) The cited elements of *Moertl* cannot teach or suggest a sequence identifier because

they are limited to merely checking a transaction type. Since *Moertl* does not teach or suggest a "sequence identifier," it cannot teach or suggest "sequence identifiers ... wherein the sequence identifiers indicate independently ordered sequences of transactions," as recited in claims 1 and 11. Thus, the Applicant respectfully submits that claims 1 and 11 are patentable over *Moertl* for at least the reason that *Moertl* does not teach or suggest "sequence identifiers ... wherein the sequence identifiers indicate independently ordered sequences of transactions," as recited in claims 1 and 11.

Claims 2-5 depend from claim 1 and claims 12-19 depend from claim 11. For at least the reason that dependent claims include the limitations of the claims from which they depend, the Applicant respectfully submits that claims 2-5 and 12-19 are patentable over *Moertl*.

Conclusion

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Respectfully submitted,

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